

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6530
BILL NUMBER: SB 522

NOTE PREPARED: Dec 27, 2004
BILL AMENDED:

SUBJECT: DNA Testing of Certain Offenders.

FIRST AUTHOR: Sen. Zakas
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
X **DEDICATED**
FEDERAL

IMPACT: State

Summary of Legislation: This bill has the following provisions:

- A. It adds residential entry and incest to the crimes for which an offender committed to the Department of Correction (DOC) is required to submit a DNA sample.
- B. It requires an offender to submit a DNA sample if the offender is convicted of conspiracy to commit or an attempt to commit certain crimes.
- C. It provides that the use of DNA data erroneously added to the DNA data base does not invalidate a conviction.
- D. It establishes the DNA data base account. It appropriates money in the account. It requires a court to assess a \$30 DNA data base fee against a person convicted of certain crimes.

Effective Date: July 1, 2005.

Explanation of State Expenditures: *Summary:* This bill is estimated to increase the costs to the Indiana State Police by \$50,000 in FY 2006 and by \$13,265 in each subsequent fiscal year.

Under current law, offenders who have been convicted for felonies against a person and burglary are required by law to provide DNA material for the Indiana DNA Database. This bill would add the following offenders to this list:

- offenders convicted of residential entry and incest and committed to a DOC facility, and
- adult offenders convicted of conspiring or attempting to commit a felony against a person, burglary, residential entry, or incest.

The DNA Data Base Account is established to defray the costs of operating the Indiana DNA data base. Money in the account at the end of a state fiscal year does not revert to the state General Fund.

Samples To Be Analyzed:

The potential number of new DNA specimens could be as many as 1,050 adult offenders who are already in DOC and not yet typed and 380 adult offenders who would enter the system during each year. The following shows the breakdown by offense.

Offender:	Estimated Offenders Already in System <u>To Be Typed:</u>	Estimated New Offenders Committed Each Year <u>To Be Typed:</u>
Residential Entry	64	145
Incest (Felony Class B and C)	26	15
Attempted Crimes under IC 35-42, Burglary, Residential Entry, and Incest	749	145
Conspiracy to Commit Crimes under IC 35-42, Burglary, Residential Entry, and Incest	<u>208</u>	<u>74</u>
Total New Samples	<u>1,047</u>	<u>379</u>

Note: This estimate does not include the number of offenders who are currently on probation or will be sentenced to probation or in a community corrections program. There are no published data that report this information.

The DNA Identification Process:

The general process for typing DNA samples involves the following steps:

1. All DNA samples taken by trained staff are blood samples. Blood samples in three county jails under the current pilot project funded by a federal grant are taken by medical personnel.
2. Samples are personally delivered to the State Police Laboratory by DOC personnel. Once received, the blood is put on several stain cards, dried, numbered, put in envelopes, and logged. The companion sample is then sent to an accredited vendor. All of this work is completed by the analysts.
3. When the accredited vendor returns the sample and the analytical results, the analysts cross-check the sample with instrument readings against the sample held in the lab and enter the results in the DNA database.
4. When the analysts find a match between DNA at a crime scene and a sample in the DNA repository, the analysts take the lab sample and do the typing themselves to ensure the sample is a match. The more samples that are in the system will result in more matches and an increased workload for these analysts.

Estimated Cost:

The Indiana State Police indicate that these added specimens would cost \$35 each for a certified commercial laboratory to analyze. The added costs are shown in the following table:

<u>Fiscal Year</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>
Offenders in System	1,047	0	0
New Offenders	+ 379	+ 379	+ 379
Offenders to be typed	1,426	379	379
Cost Per Test	x <u>\$35</u>	x <u>\$35</u>	x <u>\$35</u>
Annual Cost	<u><u>\$49,910</u></u>	<u><u>\$13,265</u></u>	<u><u>\$13,265</u></u>

Explanation of State Revenues: The \$30 DNA Data Base Fee could generate \$1,100 in new revenue. Fee revenue is to be deposited into the DNA Data Base Account established by this bill.

Generally, the percentage of offenders who are able to pay these fees is less than 10%. The new revenue that would be generated by this fee would depend on the percentage of offenders who would actually pay the fee. As a minimum, there would likely be 380 new offenders each year who would be subject to the fee. If 10% of these offenders could pay the fee, the new revenue generated by this fee would be \$1,140.

Explanation of Local Expenditures: Probation departments would incur added expenses to secure blood samples from offenders on probation. These added costs could require the use of county health department staff or other phlebotomists.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police, Department of Correction.

Local Agencies Affected: Counties.

Information Sources: Department of Correction; Steve Hillman, Indiana State Police.

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